

ES : W.H.

To Pres.

From George Schultz

21 Mar

PL 97-377

~~for~~ comments

395-3723

Laetitia Braxton

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EXECUTIVE SECRETARIAT

Routing Slip

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR				
4	D/ICS		✓		
5	DDI		✓		
6	DDA				
7	DDO		✓		
8	DDS&T		✓		
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OEA				
16	C/PAD/OEA				
17	SA/IA				
18	AO/DCI				
19	C/IPD/DIS				
20	C/TTIC		✓		
21					
22					
SUSPENSE		Date			

Remarks:

After discussions on 3/23/83 with Col Lilac (NSC) and [redacted] TTIC, I informed Lilac that we have nothing further to add to [redacted]. What was expected in DCI 3/23/83 memo to D/INR (ER-11801.)

Executive Secretary

Date

On 3/23/83 I returned a call from Loretta Braxton, NSC Staff 395-3723. Braxton stated that a cover sheet requesting comments on this memo (due 3/24 to NSC) should have been attached. I referred Braxton to [redacted] C/TTIC [redacted].

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THE SECRETARY OF STATE
WASHINGTON

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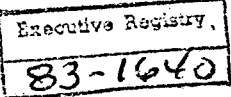
83 MAR 22 A12: 54

March 21, 1983

WHITE HOUSE
SITUATION ROOM

MEMORANDUM FOR: THE PRESIDENT

From: George P. Shultz *WPS*



Subject: Certification under Section 163 of P.L.
97-377

I. ISSUE

You are asked (a) to certify that you have reliable assurances that the group of countries described below will not transfer sensitive United States equipment, materials or technology in violation of agreements entered into under the Arms Export Control Act to any communist country or to any country which receives arms from a communist country and (b) to delegate to the Secretary of State the authority to make any further such certifications.

II. BACKGROUND

The second Joint Resolution appropriating funds for this fiscal year contains a provision which conditions certain arms sales, transfers and financing upon a certification by the President that he has reliable assurances that the recipient country will not transfer sensitive U.S. equipment, materials or technology in violation of agreements entered into under the Arms Export Control Act to any communist country or to any country which receives arms from a communist country. Although the amendment was clearly directed at Pakistan (for which you previously certified on January 3 that you possessed such reliable assurances), it is also applicable to all other countries that receive sensitive defense articles and services sold or financed by the United States under the Foreign Military Sales program.

For this certification, we have reviewed the situation with respect to those countries which for this fiscal year were expected to accept foreign military sales agreements or were proposed to receive foreign military sales financing and have



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concluded that we have reliable assurances that these countries will not make such unauthorized transfers. A listing of these countries is included at Tab C. The list includes all expected recipients of sensitive defense articles and defense services under the Foreign Military Sales program during this fiscal year. (Should certifications become necessary for additional countries, we propose that in conjunction with this certification you also delegate to the Secretary of State the authority to make these further certifications.)

Our conclusion that we possess such reliable assurances from these countries is based upon our review of the record of each country for the handling of U.S. defense articles and services, upon Foreign Military Sales agreements prohibiting unauthorized arms transfers which each country would be required to sign, and upon existing Executive Branch procedures for approving the transfer of sensitive defense equipment, materials and technology.

Section 654(c) of the Foreign Assistance Act of 1961, as amended, requires that your determination in this case be published in the Federal Register unless you conclude that its publication "would be harmful to the national security of the United States." We do not believe that publication of this determination would be harmful to the national security.

III. Recommendation

That you approve and sign the attached certification and delegation of authority, and thereby also approve the attached justification for the determination. The justification and determination will be reported to the Congress. The determination alone will be published in the Federal Register.

Attachments:

- Tab A - Presidential Certification and Delegation of Authority
- Tab B - Justification
- Tab C - List of Countries